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DISCRIMINATION AGAINST INDIGENOUS PEOPLES

PROTECTION OF MINORITIES

Written statement by the International Human Rights Association of American Minorities, a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[25 July 1995]

Discrimination against the Dalits

1. Dalits is another name for that ethnic group in India frequently referred to as scheduled castes, untouchables, as well as by the patronizing label coined by the late Mahatma Gandhi, the "Harijan" (Children of God). The Dalits constitute 16 per cent or 130-150 million of India's total population of approximately 900-950 million people. This is more than half the population of the United States, and a little more than half the population of the former Soviet Union. The Dalits have been victims of systematically sanctioned persecution by Hindu society since time immemorial. While Indians might well take great pride in their heritage and culture, the shameful fact remains that Indian Dalits continue to be systematically excluded from mainstream Indian society in all spheres of life, apart from their use as slave labour by high-caste Indian "touchables".

2. The following issues are of particular importance as it concerns the human rights situation of Indian Dalits:

(a) Untouchability. While untouchability has officially been abolished, according to article XVII of the Indian Constitution, the practice of untouchability remains part of daily living in Indian society. Any who do not observe this norm are either brutally murdered or otherwise forcefully shown their place in society. Since India's independence, many amendments and resolutions have been passed by the Government, but their implementation has been extremely poor. The data compiled for 1981-1985 show the number of cases registered under the Protection of Civil Rights Acts of 1955 has ranged from 3,332 to 4,087. It should be noted that these are the cases that are registered in the police stations. Countless cases go unnoticed and unreported for fear of persecution;

(b) Atrocities. The Ministry of Home Affairs started collecting statistics of crimes against Dalits in 1974, dividing these atrocities into four categories: murder, grievous hurt, arson and rape. Later, the collection of these statistics encompassed all Indian Penal Code offences in which members of scheduled castes/scheduled tribes were victims. For 1986, the data collected showed that the nature of crimes were as follows: murder, 564; grievous hurt, 1,408; rape, 1,002; other offences, 11,750;

(c) Police atrocities. Neither the Scheduled Castes and Scheduled Tribes Commissioner's report nor the Commission itself mention a word of crimes committed by the police against Dalits, not even firsthand reports by Dalits against high-caste individuals who committed crimes against them.

3. Socio-cultural enforcement of the reprehensible notion of untouchability remains pervasive. Some teachers use intimidating tactics so that scheduled caste boys and girls would drop out of school or college, and not get an education. That Indian Dalits continue to endure even harsher measures to enforce their subjugation is clearly indicated by the fact that hardly a day passes without the Indian press, both national and regional, reporting instances of rape, murder, house burning or social boycott of Dalits.

4. Many high-caste persons argue that untouchability is no longer an issue. While untouchability may be loosening its grip in urban areas, only a small portion of the Indian and Dalit population live in the major cities; 80 per cent of Indians and 80 per cent of scheduled castes live in the villages, which are still the same cesspools of social injustice as they were centuries ago. Rural violence against the Dalits is a part of daily life. Even urban Dalits are not immune from violence. Even though the Government has many rules and regulations on the books whose purpose is to protect the scheduled castes, their implementation has been derailed by high-caste bureaucrats, politicians, police and other citizenry. The politicians and bureaucrats come to the scene of crimes, bemoan them, yet nothing is done.

5. In its seventh report, covering the period April 1984 through March 1985, the Commission for Scheduled Castes and Scheduled Tribes stated that "as Untouchability continues to be practised without any appreciable abatement,

mostly in the areas in which orthodox values and deeply rooted old-fashioned customs prevail, it is high time for both the central and state government to make a most determined bid to launch a multi-prong attack on this evil practice ...". The Commission's report continued: "An almost unabated perpetration of atrocities against members of scheduled castes and scheduled tribes continues to be a matter of great concern for the commission. This situation tends to negate the efforts of freedom and equality for all as enshrined in our constitution. Despite protective provisions in the constitution, the majority of the members of scheduled castes and scheduled tribes still continue to be suppressed due to their socio-economic conditions." In a letter to the President of India dated 23 November 1988, Dr. B.D. Sharma, Commissioner for Scheduled Castes and Scheduled Tribes, stated:

> "Investigation of the Constitutional safeguards for about a quarter of our people, located at the margin, struggling for equity and justice against adverse forces, rooted both in tradition and also the nascent social and economic order, is an unenviable task. This is particularly so when these forces operate with an aura of progressive modernization, and are deemed to be intrinsic to the process of structural transformation."

6. While the Government has plenty of rules and regulations for the protection of Dalits, it has not demonstrated the will to implement them, be it at the district, state or federal level. The Government's lack of commitment is clearly demonstrated by the fact that it took seven years to appoint the new SC/ST Commissioner, Dr. B.D. Sharma. Dalit issues are raised at election times in order to get Dalit votes; afterwards, there is a generalized apathy with regard to Dalit issues. How long can Dalits tolerate this situation? Many contend that Dalits have every right to bear arms to protect themselves from high-caste and police oppression. As a Dalit leader and member of Parliament, Mr. Ram Dhan, warned: "Constitutional safeguards should be implemented or the nation will be crippled."

7. In so far as India is a signatory to the Universal Declaration of Human Rights and other United Nations human rights treaties, it is recommended that the Subcommission on the Prevention of Discrimination and Protection of Minorities send a fact-finding team to India to get firsthand information on the ongoing, pervasive and flagrant human rights abuses endured by the Dalits, and provide the Indian Government with recommendations for the establishment of a credible system for Dalit human rights protection, as well as for monitoring the system's performance on a consistent basis so its effectiveness and success may be measured. While a new systematic approach with regard to the Dalits may be necessary, surely a minimum requirement is to ensure the enforcement and implementation of existing laws, which may include the appointment of special courts to process cases which concern untouchables and atrocities/crimes committed against them. In the entire union of India, only 6 out of 21 states have such specially appointed courts. This practice should be extended to all states. More Dalits need to be recruited as policemen and magistrates in crime-prone areas. Police need to be sensitized to untouchability and crime issues. Victims need to be compensated, and the

compensation indexed to the cost of living. A veritable crusade of programmes of public education should be launched to sensitize high-caste people to the plight and aspirations of the peoples who are at the bottom of the totem pole. The Dalits have a right to equality, even in a deeply prejudiced society such as that of India, and only the pressure of international organizations and world public opinion can galvanize the Indian Government to a true commitment towards changing cultural attitudes which have been domestically acceptable for centuries.